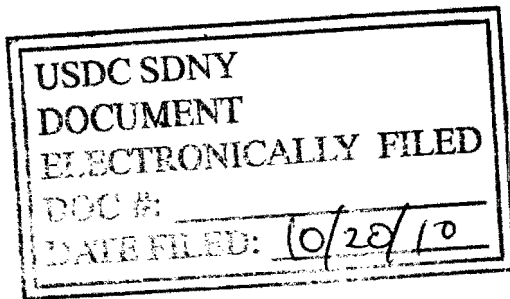


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October 19, 2010

Via Electronic Transmission
The Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1050
New York, New York 10007-1312

*motion denied. Although
the 52 plaintiffs who are affected
may participate in the settlement,
the complaints they filed are
deficient.*

Re: In re: World Trade Center Disaster Site Litigation
21 MC 100 (AKH)

10/20/10

Caputo Hellerstein

Dear Judge Hellerstein:

We write in response to this Court's General Order Sua Sponte Dismissing Complaints dated October 14, 2010 ("Sua Sponte Order"). This Order dismissed the fifty-two (52) cases listed on Exhibit "1" that are eligible to participate in the World Trade Center Settlement Process Agreement, As Amended ("SPA"). We believe that it was not the Court's intention to dismiss these cases that are eligible to participate in the SPA.

Section VI.A. of the SPA defines those Plaintiffs that are eligible to participate in the SPA, which states, in relevant part:

Only Plaintiffs with Debris Removal Claims filed against the Insureds or any of them, including in any Master Docket, on or before April 12, 2010 or who have instituted Debris Removal Claims against the Insureds or any of them through other legal process recognized by New York law (e.g., a **notice of claim submitted to the City of New York**) on or before April 12, 2010 shall be eligible for inclusion on the Eligible Plaintiff List. (emphasis added).

Furthermore, section I.O. the SPA defines a "Debris Removal Claim" as follows:

"Debris Removal Claims" shall mean all claims, causes of action, **notices of claims**, notices of suits, suits, and actions relating in any way to or arising out of the rescue, recovery, and/or debris removal operations, activities and/or other alleged or actual conduct or omissions on and/or after September 11, 2001, pending or received on or before April 12, 2010, including without limitation all Plaintiffs' claims against the Insureds or any of them in any Master Docket. (emphasis added).

The Hon. Alvin K. Hellerstein
Re: In re World Trade Center Disaster Site Litigation
21 MC 100 (AKH)
October 19, 2010, page 2

The SPA clearly allows plaintiff to participate in the SPA if that plaintiff filed only a notice of claim on the City prior to April 12, 2010. The 52 cases listed on Exhibit 1 are eligible to participate in the SPA because they only had notice of claims filed on the City prior to April 12, 2010. Complaints were subsequently filed on behalf of these 52 cases in effort to preserve their claims in the event the SPA does not become finalized. The SPA does not require the filing of complaints for these 52 cases in order for them to participate in the SPA.

Most of these 52 cases have already completed or are in the process of completing their paperwork in order to opt-in and participate in the SPA. This Court's Sua Sponte Order is in direct conflict with the Court Ordered SPA and current stay of this litigation. We believe that it was not Court's intention to have the 52 eligible plaintiffs litigate their claims while the SPA is in the process of being finalized.

As a result of the above, we respectfully request the Court to (i) reinstate the 52 cases listed on Exhibit 1 and (ii) stay the litigation for these 52 cases like all other cases that are eligible to participate in the SPA. As always, we are available to discuss these matters at Your Honor's convenience.

Respectfully submitted,

WORBY GRONER EDELMAN & NAPOLI BERN, LLP



Christopher LoPalo

cc:

Special Master Twerski
Special Master Henderson
Margaret Warner, Esq.
James E. Tyrrell, Jr., Esq.
Andrew Carboy, Esq.

EXHIBIT 1

#	Last Name	First Name	Civil Action Number
1	Auer	Martin	10cv07172
2	Bernardi	Charles	10cv07173
3	Burghardt	James	10cv07175
4	Calderin	Enrique	10cv07177
5	Carmody	James	10CV07178
6	Clinton	Gerard	10cv07179
7	Coffin	Gerald	10cv07188
8	Coppola	Robert	10cv07167
9	Corless	Matthew	10cv07168
10	Costanza	James	10cv07169
11	Costanza	Michael	10cv07170
12	Davey	Phillip	10cv07171
13	Davila	Orlando	10cv07152
14	Ditta	Joseph	10cv07153
15	Fitzpatrick	Brendan	10cv07189
16	Franklin, Jr.	Willie	10cv07190
17	Gansrow	Timothy	10cv07191
18	Gilhooly	John	10cv07181
19	Giunta	John	10cv07182
20	Harten	James	10cv07159
21	Hayes	Michael	10cv07161
22	Johnson	Scott	10cv07164
23	Kellett	John	10cv07165
24	Kielty	James	10cv07166
25	King	John	10cv07147
26	Krepela	Larry	10cv07148
27	Lavin	Kenneth	10cv07149
28	Lawrence	Frederick	10cv07150
29	Lengefeld	Richard	10cv07151
30	Leonick	Robert	10cv07184
31	Lopez	Adolfo	10cv07154
32	Losauo	Frank	10cv07155
33	Mattera	Edward	10cv07156
34	McCafferty	Thomas	10cv07185
35	McCauley	Timothy	10cv07186
36	McKay	Mark	10cv07187
37	McKeon	Eugene	10cv07157
38	Morales	Michael	10CV07158
39	Mulligan	Jeffrey	10cv07180
40	Newman	Robert	10cv07192
41	Palmer	John	10cv07193
42	Pav	Robert	10cv07174
43	Riccardi	Joseph	10CV07176
44	Rodriguez	Herminio	10cv07140
45	Scheriff	Louis	10cv07141
46	Starace	John	10cv07142
47	Svec	Ronald	10cv07143
48	Walsh	Kerry	10cv07144
49	Walters	Andrew	10cv07145
50	Warnock	Gregory	10cv07146
51	Welch	Patrick	10cv07163
52	Winberry	Raymond	10cv07162